



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **KAWASAKI et al.**

Serial No.: 09/812,802

Filed: March 20, 2001

Art Unit: 1743

Examiner: L. Alexander

Atty. Docket No.: JG-TT-5053

**DRY ANALYTICAL ELEMENT**

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

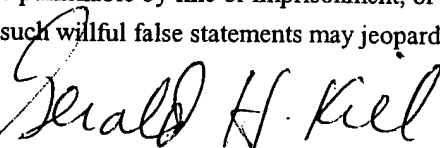
Fuji Photo Film Co., LTD., owns 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on pending second Application No. 09/858,392 filed on May 16, 2001. Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assignees.

In making the above disclaimer, owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 17, 2003

  
Signature

Gerald H. Kiel, Reg. No. 25,116 for  
Jules E. Goldberg; Reg. No. 24,408